IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No.183 (SS) of 2006

Vijay Singh Bisht,
S/o Late Sri Kripal Singh,
R/o Project Division,
Uttaranchal Peyjal Nigam,
Chamba,
Didtrict – Tehri Garhwal. ..……**Petitioner.**

Versus

1. Uttaranchal Pey Jal Nigam, 11, Mohini Road, Dehradun, through its Managing Director.
2. Chief Engineer (Headquarters), Head Office, Uttaranchal Peyjal Nigam, Dehradun.
3. Superintending Engineer, Nirman Mnadal, Uttaranchal Peyjal Nigam, New Tehri, District – Tehri Garhwal.
4. Executive Engineer, Prakalp Shakha, Uttaranchal Peyjal Nigam, Chamba, District – Tehri Garhwal

….**…….Respondents**

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Chauhan, learned counsel for the petitioner and Sri D.S. Patni, learned counsel for the respondents.

During the course of argument, learned counsel for the petitioner has submitted that he may be permitted to delete prayer no. II.

Permission granted.

Prayer no. II is deleted.

Petitioner has now confined his prayer only to the extent that order dated 15.02.2006 passed by respondent no. 3 may be quashed by which petitioner has been refused to grant promotion on the post of Routine Grade Clerk on regular basis and further has refused to grant additional increment.

Petitioner was initially appointed as Peon in the 1983 with the respondent department. In the year 1996, petitioner was temporarily promoted as Routine Grade Clerk in the Department.

Petitioner had earlier filed writ petition no. 2020 (SS) of 2005. This writ petition was disposed of by this court on 23.12.2005 with a direction to the respondents to decide the representation of the petitioner. In compliance of the order dated 23.12.2005 passed by this court Superintending Engineer of the Department has rejected the representation of the petitioner vide order dated 15.02.2006.

In the order dated 15.02.2006, respondent no. 3 i.e. Superintending Engineer has stated that 25% posts of Routine Grade Clerk can be filled up by way of promotion from class IV employees and since 25% posts of Routine Grande Clerks have already been filled by way of promotion from Class IV employees, the petitioner cannot be granted regular promotion.

I do not find any illegality in the impugned order. However, respondents are directed whenever the vacancy of Routine Grade Clerk is to be filled by way of promotion from Class IV employees the candidature of the petitioner shall be considered by them in accordance with law.

With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

April 13, 2007
SKsharma